

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MARS HOME FOR YOUTH
Employer

and

6-RC-12692

PENNSYLVANIA SOCIAL SERVICES
UNION LOCAL 668 a/w SERVICE EMPLOYEES
INTERNATIONAL UNION a/w CTW
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review. In denying review, we find that the Employer has failed to establish that Assistant Residential Program Managers (ARPMs) have ever exercised independent judgment with regard to any kind of written discipline or to the effective recommendation of discipline.

WILMA B. LIEBMAN, CHAIRMAN

MARK GASTON PEARCE, MEMBER

Member Schaumber, dissenting:

The Board has examined the record in this case under Sec.102.67(d) of the Board's Rules and Regulations. In my view, that examination revealed sufficient record evidence that the Assistant Residential Program Managers (ARPMs) have the authority to discipline Residential Advisors (RAs) and use independent judgment in determining whether to issue disciplinary warnings. The fact that ARPMs have been lax in reducing verbal warnings to writing, or have elected not to do so, does not reflect a lack of Section 2(11) authority on this record. Further, I reject the Regional Director's view that the Employer was required to show how it would use the verbal warnings in the progressive disciplinary process. It is not the role of the Board to micromanage an employer's disciplinary system, whether in writing or ad hoc.

Having found the authority to discipline, it is not necessary for me to pass on the ARPMs' responsibility to direct the work of RAs.

Accordingly, I respectfully dissent.

PETER C. SCHAUMBER, MEMBER

Dated, Washington, D.C., August 4, 2010.